



AMENDMENT UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE – GROUP ART UNIT 1617

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Evan C. Unger
Application No.: 09/413,110
Filed: October, 6, 1999
Title: METHODS FOR DELIVERING BIOACTIVE AGENTS

Art Unit: 1617
Examiner: S. Sharareh

MAIL STOP AF

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

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TERMINAL DISCLAIMER

Sir:

The undersigned, attorney of record for Petitioners, IMARX THERAPEUTICS, INC., with its place of business at 1635 E. 18th Street, Tuscon, Arizona, 85719, represents that Petitioners are the Assignee of 100 percent interest in Application Serial No. 09/413,110, filed October, 6, 1999 entitled, METHODS FOR DELIVERING BIOACTIVE AGENTS, as evidenced by the Assignment recorded on March 26, 2001 in the United States Patent and Trademark Office at Reel 011436, Frame 0117.

The evidentiary documents referred to herein have been reviewed by the undersigned and it is certified that to the best of the undersigned's knowledge and belief, title is in the Assignee.

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CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, November 4, 2003 , in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.	
Cara Grifone (Name of Person Mailing Paper)	
<i>Cara Grifone</i> (Signature)	11-4-03 (Date)

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PATENT
Attorney Docket No.: IMARX1110

Pursuant to 37 C.F.R. § 1.321(c), the undersigned, on behalf of Petitioners, IMARX THERAPEUTICS, INC., disclaims the terminal part of any patent granted on the above-identified Application No. 09/413,110 that would extend beyond the expiration date of U.S. Patent No. 6,443,898, U.S. Patent No. 6,416,740, and 6,403,056. Petitioners hereby agree that any patent so granted on the above-identified U.S. Patent Application No. 09/413,110 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,443,898, U.S. Patent No. 6,416,740, and 6,403,056 this Agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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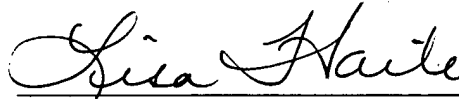
Attorney Docket No.: IMARX1110

The Commissioner is hereby authorized to charge any other fees associated with the filing submitted herewith, or credit any overpayments to Deposit Account No. 50-1355.

Respectfully submitted,

Dated: _____

11/14/03



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